

HOUSE BILL 1987

By Crawford

AN ACT to amend Tennessee Code Annotated, Title 39,
relative to unlawful photography.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 39-13-605, is amended by redesignating subsection (a) as subdivision (a)(1) and adding the following new subdivision (a)(2):

(2) It is an offense for a person to knowingly photograph, or cause to be photographed, an individual without the prior effective consent of the individual, or in the case of a minor, without the prior effective consent of the minor's parent or guardian, if:

(A) The focus of the photograph is of the individual's intimate area. As used in this subdivision (a)(2), "intimate area" means the naked or clothed genitals, pubic area, anus, buttocks, or female breast of a person;

(B) The photograph would offend or embarrass an ordinary person if such person appeared in the photograph; and

(C) The photograph was taken for the purpose of sexual arousal or gratification of the defendant.

SECTION 2. Tennessee Code Annotated, Section 39-13-605(b)(1), is amended by deleting the subdivision and substituting instead the following:

(1) As used in this section, unless the context otherwise requires, "photograph" means any photograph or photographic reproduction, whether taken using digital media or conventional film, still or moving, or any videotape, live television transmission, or social media broadcast of any individual.

SECTION 3. This act shall take effect July 1, 2020, the public welfare requiring it.